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10/821,969	04/12/2004	Marieke Iwema Watson	MFCP.110967	3099

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EXAMINER

LEE, JINHEE J

ART UNIT	PAPER NUMBER
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2174

MAIL DATE	DELIVERY MODE
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06/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,969

Applicant(s)

WATSON ET AL.

Examiner

Jinhee J. Lee

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1 is objected to because of the following informalities:

Claim 1 line 5, the phrase "the three-dimensional around" has grammatical error.

Examiner suggests "the three-dimensional items around" instead to correct the grammatical error.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim1-11 and 13-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-11are directed to a computer implemented method of calculation where the inputs are numbers and the results are also numbers. Claims 13-25 are directed to a computer program to organize and display. In order for a claimed invention that is directed to such a computer implemented method of calculation, or a computer program to be statutory, the claimed invention must accomplish a practical application. That is the claimed invention must transform an article or physical object to a different state or thing, or produce a useful, concrete and tangible result. State Street, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02. Also see "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility", OG Notices: 22 November 2005. It is clear from claims 1-11, 13-25 that the claims merely involves calculations and

manipulations of data in performing computations. The claimed invention does not result in a physical transformation. The inputs are numbers and the outputs are also numbers. The result of the invention is merely numerical values without a practical application recited in the claims. It is not real world result, and thus is not useful, concrete and tangible. Therefore, the claimed invention is directed to non-statutory subject matter as the claims fail to assert a practical application to the invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-7, 10, 12-19, 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakagawa et al. (20010020955).

Re claim 1, Nakagawa et al. discloses a method comprising: providing a plurality of three-dimensional items (model for example), each three-dimensional item representing user information; and arranging the three-dimensional items around a perimeter (with models for example), wherein the perimeter forms a portion of a closed area and the three-dimensional items include a focus item (own model for example) and at least one peripheral item adjacent the focus item (see figure 2b for example).

Re claim 2, Nakagawa et al. discloses a method, further comprising a peripheral item adjacent the focus item on each side of the focus item (see figure 2b for example).

Re claim 3, Nakagawa et al. discloses a method, further comprising arranging at least one background item adjacent the peripheral item (tree for example, see figure 2b).

Re claim 4, Nakagawa et al. discloses a method, wherein arranging the three-dimensional items along a perimeter comprises arranging the three-dimensional items along an arc of an ellipse (see figure 2b for example).

Re claim 5, Nakagawa et al. discloses a method, wherein arranging the three-dimensional items along a perimeter comprising arranging the three-dimensional items along an arc of a circle (see figure 2b for example).

Re claim 6, Nakagawa et al. discloses a method, further comprising scaling the focus item to a first set width and scaling each peripheral item to a second set width, wherein the first set width is greater than the second set width (see figure 2b for example).

Re claim 7, Nakagawa et al. discloses a method, further comprising scaling the focus item to a first set width, scaling each peripheral item to a second set width, and scaling each background item to a third set width, wherein the first set width is greater than the second set width and the second set width is greater than the third set width (see figure 2b for example).

Re claim 10, Nakagawa et al. discloses a method, further comprising displaying metadata relevant to the focus item and each peripheral item (see paragraph 0049 for example).

Re claim 12, Nakagawa et al. discloses a computer readable medium storing executable instructions for performing the method of claim 1 (see paragraph 0050 for example).

Re claim 13, Nakagawa et al. discloses a system comprising: item controls for displaying a plurality of three-dimensional items, each three-dimensional item providing access to information; orientation controls for arranging the items around a perimeter that forms a portion of a closed area; and scalability controls for scaling a focus item to have a first set width and at least one peripheral item to have a second set width smaller than the first set width (see figure 2b for example).

Re claim 14, Nakagawa et al. discloses a system, wherein the item controls position a first peripheral item adjacent the focus item on a first side and a second peripheral item adjacent the focus item on a second side (see figure 2b for example).

Re claim 15, Nakagawa et al. discloses a system, wherein the item controls arrange at least one background item adjacent the peripheral item (see figure 2b for example).

Re claim 16, Nakagawa et al. discloses a system, wherein perimeter comprises an elliptical arc (see figure 2b for example).

Re claim 17, Nakagawa et al. discloses a system, wherein the perimeter comprises a circular arc (see figure 2b for example).

Re claim 18, Nakagawa et al. discloses a system, wherein the scalability controls further comprise means for scaling the focus item to a first set width and scaling each peripheral item to a second set width, wherein the first set width is greater than the second set width (see figure 2b for example).

Re claim 19, Nakagawa et al. discloses a system, wherein the scalability controls further comprise means for scaling the focus item to a first set width, scaling each peripheral item to a second set width, and scaling each background item to a third set width, wherein the first set width is greater than the second set width and the second set width is greater than the third set width (see figure 2b for example).

Re claim 22, Nakagawa et al. discloses a system, further comprising information display controls for displaying metadata relevant to the focus item and each peripheral item (see paragraph 0049 for example).

Re claim 23, Nakagawa et al. discloses a system, further comprising view change controls for altering an appearance of an item upon a change in item status (see abstract and paragraph 0060 for example).

Re claim 24, Nakagawa et al. discloses a system, wherein the perimeter comprises a triangular border (see figure 2b for example).

Re claim 25, Nakagawa et al. discloses a system, wherein the perimeter comprises a rectangular border (see figure 2b for example).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1- are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. in view of Beier et al. (20030227453).

***Re claim 8, Nakagawa et al. substantially discloses a method as set forth in claim 1 above. Nakagawa et al. does not explicitly disclose further comprising rotating the items around the perimeter upon receiving a user request. However, Beier et al. teaches of further comprising rotating the items around the perimeter upon receiving a user request (see paragraph 0110 for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the method further comprising rotating the items around the perimeter upon receiving a user request of Beier et al. on the method of Nakagawa et al. in order to ability to display different aspect of the shapes.

Re claim 9, note that Nakagawa et al. discloses wherein the user request comprises selection of the peripheral item. And note that Beier teaches of rotating the items includes rotating the focus item to a peripheral position and the peripheral item to a focus position (see paragraph 0110 for example).

Re claim 11, note that Beier teaches of wherein rotating the items comprises computing a starting point angle, computing an ending point angle, and interpolating between the computed angles (see paragraph 0085 for example).

Re claim 20, Nakagawa et al. substantially discloses a system as set forth in claim 13 above. Nakagawa et al. does not explicitly disclose a system, further comprising a rotation control module for rotating the items around the perimeter upon receiving a user request. However, Beier et al. teaches of a system, further comprising a rotation control module for rotating the items around the perimeter upon receiving a user request (see paragraph 0110 for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a system, further comprising a rotation control module for rotating the items around the perimeter upon receiving a user request as taught by Beier in order to display all sides of the object.

Re claim 21, note that Nakagawa et al. discloses wherein the user request comprises selection of the peripheral item. And Beier teaches of the rotation control module rotates the focus item to a peripheral position and the peripheral item to a focus position (see paragraphs 0085 and 0110 for example).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M- F at 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-2100 ext. 74. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jinhee J Lee
Primary Examiner
Art Unit 2174

